

# ARTICLE XX. SIGNS

## Section 20.00. Purpose and Intent

It is the purpose of this section to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These signs regulations are intended to:

- A. Allow for the communication of information necessary for the conduct of commerce.
- B. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian, bicycle and vehicular traffic.
- C. Enhance the attractiveness and economic well-being of the county as a place to live, vacation and conduct business.
- D. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
- E. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
- F. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
- G. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
- H. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

### 20.01 – Definitions

For the purpose of this Section the following definitions shall apply:

An individual sign may fall under more than one of the following definitions, e.g., illuminated ground sign, temporary off-premise sign, etc.

Abandoned sign. A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Awning sign. Any sign that is a part of, attached to, or made up of an awning or other protective cover over a door, entrance, or window of a building, either retractable or non-retractable.

Billboard sign. See off-premise sign.

Canopy sign. Any sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area.

Changeable copy, automatic. A changeable copy sign or portion of a sign on which the message can be changed through electronic or electro-mechanical means.

Changeable copy, manual. A sign or portion of a sign designed so that the message or copy can be manually changed frequently.

Commercial sign. Any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Dilapidated sign. A sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign, temporary. A temporary sign erected for the sole purpose of providing directions

Flag. Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Front Façade. The front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front façade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front façade. In cases where the building is oriented in a manner not parallel to the street, the primary entrance shall be used as the front façade.

Graphic sign. A sign painted directly on, carved in, or otherwise permanently embedded in the façade.

Ground [Freestanding] signs. Any sign supported by structures or supports that are anchored in the ground, and that are independent of any building including ground, pole or similar signs.

Illumination, internal. A light source within the sign.

Illumination, external. A light source which is not internal to the sign.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Major Subdivision. A subdivision which contains 4 lots or greater, as defined in the Subdivision Regulations adopted in Rutherford County.

Multi-tenant sign. A sign that serves as a common or collective identification for two or more uses on the same premises.

Non-commercial sign. Any sign not naming, advertising or calling attention to a business or commercial product, service or activity.

Nonconforming sign or sign structure. Any existing permanent sign or sign structure which does not conform to the provisions of this article, but was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Off-premise sign. A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located, including but not limited to billboards.

On-premise sign. A sign which advertises goods, services, facilities, events or attractions available on the premises where the sign is installed and maintained.

Portable sign. A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure with or without wheels.

Projecting sign. A sign that is wholly or partly dependent upon a building for support and which projects more than one (1) foot from such building.

Sign. Any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing for visual communication intended to attract the attention of the public and visible from the public right-of-way.

Sign copy. Any combination of letter, numbers or graphic images which are intended to inform, direct or otherwise transmit information.

Sign face. The area or display surface used for the message.

Sign structure. Any structure that supports, has supported or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign. An off-premise sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

Temporary sign. Any sign which by reason of construction or purpose is intended to be displayed for a short period of time, as allowed by this article.

Wall sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than one (1) foot from such building or structure.

Window sign. Any sign or graphic placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way, but excludes merchandise in a window display.

## **20.02. General Provisions**

### **A. Substitution Clause**

Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this resolution. Noncommercial signs are subject to the same permit requirements, restrictions on size and type, and other conditions and specifications as apply to the sign for which they are being substituted.

### **B. Computation of Sign Area and Height**

1. The area of all signs allowed under this Article shall be computed as follows:
  - a. The sign area shall be determined by computing the area of the smallest square, rectangle, circle, and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face. The sign area shall not include any supporting structure, up-rights or decorative bases or bracing.
  - b. When 2 signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only 1 such face shall be included in computing the total area of the sign. When 2 signs of the same shape and dimensions are mounted or displayed in a V-shaped, not back-to-back and parallel and where the angle of the V does exceed 25 degrees, each such face shall be included in computing the total area of the signs.

2. The height of all signs allowed under this Article shall be computed as follows:

- a. The height of a ground sign shall be measured from the average level of the grade below the sign to the highest point of the sign face area or its supporting structure, whichever is greater.
- b. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall not be higher than the maximum allowed building height. In the event that a multi-storied structure contains various tenants on each floor, the wall signs for each floor may not exceed the ceiling height for that specific floor level.
- c. The clearance of a projecting sign shall be measured from the base of the sign face to the ground below.
- d. Any berming, filling, or excavation solely for the purposes of locating the sign shall be computed as part of the sign height.

#### C. Setbacks and Placement

- a. Signs and sign structures shall be setback a minimum of 5 feet from any right-of-way line.
- b. No sign shall be located within the vision triangle or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.
- c. Signs shall be located so as not to impair windows, doors or other means of ingress/egress.
- d. No sign shall be located within a public utility or drainage easement without written approval from the affected agencies.
- e. Clearance from electrical power lines. The closest part of a sign shall not be any closer than 8 feet horizontally from a vertical line above and below the nearest primary conductor(s). The closest part of a sign shall not be any closer than 8 feet horizontally from a conductor not attached to the sign.
- f. As an exception to the foregoing, when the measurement is from the sign to an insulated distribution line, no portion of the sign may be within 20 feet horizontally from a vertical line above and below the nearest distribution line.

#### D. Sign Illumination

Not all forms of illumination are allowed in all zoning districts. Refer to Sections 20.04 for allowable forms of illumination by zoning district and sign type.

The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles.

E. Adherence to Applicable Codes

All signs shall comply with applicable provisions of the adopted building codes and state electrical code.

F. Nonconforming Signs

- a. The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When a property is redeveloped the signs on that property must be brought into compliance with the provisions of this article.
- b. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

G. Changeable Copy

- a. Signs containing automatic changeable copy must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions and the sign owner must immediately stop the display when notified by the County that it is not complying with the standards of this Resolution.
- b. Only one contiguous automatic changeable copy area is allowed on a sign face.
- c. All signs containing automatic changeable copy must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- d. All messages must change instantaneously without any special effects.
- e. The messages displayed must be static and complete in themselves, without continuation in content to the next message or to any other sign.
- f. Signs containing changeable copy messages shall not contain commercial messages other than those relating to the business on which it is located.

### Section 20.03. Prohibited Signs

Except as may be authorized by this article, the following signs shall be prohibited and may neither be erected nor maintained:

- A. Any sign for which a permit is required and has not been issued, excluding any existing legal nonconforming sign.
- B. Flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants, or other decorations.
- C. Any sign that obstructs a clear view to and from traffic along any street right-of-way, entrance, or exit.
- D. Signs or sign structures located in the right-of-way, except as required by appropriate federal, state, city or county governmental authorities.
- E. Snipe signs.
- F. Any sign that obstructs free ingress and egress through a required door, window, fire escape or other required exit way.
- G. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- H. Windblown or inflated signs.
- I. Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from the public right-of-way where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicles or trailer.
- J. Abandoned or dilapidated signs.
- K. Signs that extend above the roof line.
- L. Signs which make use of words such as “stop”, “look”, “danger”, or any other words, phrases, symbols or character in such a manner as to resemble standard traffic control signs and interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area.
- M. Portable signs.
- N. Off-premise signs, except as allowed in Section 20.04.B.2.g. of this Article.
- O. Signs with any automatic changeable copy, where the copy does not remain fixed, static, motionless, and nonflashing for a period of 5 minutes, except for changes necessary to correct time, date, or temperature information. Time, date or temperature information is considered one message. A display of time, date, temperature must remain for at least 5 minutes before changing to a different message, but the time, date or temperature information itself may change no more often than once every 3 seconds.
- P. Sign display areas with varying light illumination and/or intensity, blinking, bursting, dissolving, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, streaming, traveling, tracing, twinkling, simulated movement, or convey the illusion of movement.
- Q. Video, continuous scrolling messages, and animation signs.

- R. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way.
- S. Any other sign which is not expressly allowed is prohibited.

#### **Section 20.04. Allowed Signs**

##### **A. Signs Allowed in All Zoning Districts – No Permit Required**

The following signs are allowed in all zoning districts and do not require a permit.

1. Memorial signs and tablets displayed on public property or in cemeteries.
2. Address numerals, nameplates (including apartment units and office suites) and signs bearing the same name of occupants of the premises not exceeding 2 square feet in area.
3. A traffic directional, warning or information sign authorized by any public agency, whether permanent or temporary.
4. Incidental signs limited to 5 square feet in sign area.
5. Signs related to an approved agricultural use not exceeding 32 square feet. Maximum 1 sign per property.
6. Flag displaying noncommercial messages (Government flags, civic flags, decorative flags, etc.) limited to 60 square feet per face. No more than 5 flags per property. No flag pole shall exceed the height and size requirements of the district in which they are located.
7. Window Signs that do not exceed 25 percent of the area of the window or any glass door to which they are attached.
8. An official sign or notice issued or required to be displayed on private property by any court, public agency or public office, whether permanent or temporary.
9. Scoreboards or advertising signage located on athletic fields if oriented toward the field of play
10. Temporary signs, as regulated in Section 20.05 of this Article.

##### **B. Signs allowed by Zoning District – Permit Required**

1. Signs allowed in all Residential Districts, as established in Article XV of this Resolution, for legally established uses.
  - a. Ground [Freestanding] signs
    1. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
      - i. Number – 1 per lot maximum
      - ii. Sign Area – Shall not exceed 40 square feet
      - iii. Height – Sign and sign structure shall not exceed 8 feet
      - iv. Illumination – External lighting and automatic changeable copy messages
      - v. Changeable Copy – 25% of the sign area may contain changeable copy messages



2. Major residential subdivisions and multiple family dwelling developments
  - i. Number – 2 per entrance maximum
  - ii. Sign Area – Shall not exceed 40 square feet
  - iii. Height – Sign and sign structure shall not exceed 8 feet
  - iv. Location – Signs are to be located in sign easements at the entrance to the development.
  - v. Illumination – External lighting only
  - vi. Maintenance – Signs shall be landscaped and maintenance shall be provided via a homeowners association or similar legal instrument.
- b. Wall signs
  1. Non-residential uses (e.g. institutional uses, agricultural uses, etc.)
    - i. Number – square footage of signs shall not exceed total allowable square footage on the wall.
    - ii. Sign Area – Total allowable square footage is 3 square feet for each linear foot of building frontage, not to exceed 40 square feet maximum.
    - iii. Illumination – External lighting only
  2. Major Home Based Businesses
    - i. Number – 1 per lot maximum
    - ii. Sign Area – Shall not exceed 5 square-feet
    - iii. Illumination – Not allowed
- c. Flags containing commercial messages
  1. Non-residential uses, major residential subdivision entrances or amenity areas or multiple family dwelling developments
    - i. Number – 2 per lot maximum
    - ii. Sign Area – Shall not exceed 32 square feet per flag
    - iii. Height – Sign and sign structure shall not exceed 16 feet
    - iv. Illumination – Not allowed
2. Signs allowed in all Commercial and Industrial Districts, as established in Article XV of this Resolution, for legally established uses.
  - a. Ground [Freestanding] signs
    - i. Number – 1 per street frontage maximum with a minimum sign separation of 50 feet measured from the closest edge of each sign
    - ii. Sign Area – shall not exceed 50 square feet; or a property with multi-tenants shall not exceed 100 square feet
    - iii. Height – shall not exceed 10 feet
    - iv. Illumination – Internal and external lighting
    - v. Changeable Copy – 35% of the sign area may contain changeable copy messages

b. Wall signs

- i. Number – Square footage of signs shall not exceed total allowable square footage on the wall.
- ii. Sign Area – Total allowable square footage of wall signage shall not exceed 10 percent of the front façade. For a property with multi-tenants the total allowable square footage of wall signage shall not exceed 10 percent of the front façade of the tenant space. The total sign area shall be the sum of all signs on the wall including signs on the wall surface, projecting signs, graphic signs, and awnings.
- iii. Illumination – Internal and external lighting

c. Projecting signs

- i. Sign Area – Shall not exceed 18 square feet in area. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.
- ii. Height – Shall not exceed the roofline of the building, but shall have a minimum clearance from the bottom of the sign to grade of at least 10 feet and shall not constitute a hazard or impediment to pedestrians.
- iii. Illumination – Internal lighting only

d. Awning signs

- i. Sign Area – Shall not exceed 18 square feet in area. The sign area used for the computation of sign size shall be deducted from the allowable square footage for wall signs.
- ii. Height – Shall not exceed the roofline of the building, but shall have a minimum clearance from the bottom of the sign to grade of at least 10 feet and shall not constitute a hazard or impediment to pedestrians. Any fabric awning valance may not extend more than 1 foot below the rigid mount of the awning.
- iii. Location – The sign shall be flat against the surface of the awning. Only one sign is allowed over each door or window. For a property with multi-tenants only one sign is allowed per tenant.
- iv. Illumination – Not allowed

e. Canopy signs

- i. Number – 1 sign per canopy face
- ii. Sign Area – Shall not exceed 15 square feet per canopy face
- iii. Height – The sign shall not extend beyond the vertical edge of the canopy to which it is attached
- iv. Illumination – Internal lighting only

- f. Flags containing commercial messages
  - i. Number – 3 per lot maximum
  - ii. Sign Area – Shall not exceed 32 square feet per flag
  - iii. Height – Sign and sign structure shall not exceed 24 feet
  - iv. Illumination – External lighting only
- g. Billboards (off-premise signs)
  - i. Number – 1 per lot maximum with only 1 sign face allowed per direction.
  - ii. Sign Area – Shall not exceed 775 square feet
  - iii. Height – Sign and sign structure shall not exceed 35 feet
  - iv. Setbacks – 15 feet minimum from interstate R.O.W.; 200 feet maximum from interstate R.O.W.; 10 feet minimum from side or rear property line
  - v. Illumination – External lighting only
  - vi. Location – Allowed only along the frontage of I-24; shall not be located within 200 feet of any residential zoning district boundary
  - vii. Spacing – must be 1,000 feet from an interchange or intersection at grade, measured along the highway on the primary system from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main traveled way; and at least 1,000 feet from the closest billboard on the same side of the roadway
- 3. Signs located in PUD Districts, as established in Article XV of this Resolution
  - a. Signs in PUDs containing residential-type uses only shall abide by Section 20.04 B.1. of this Article
  - b. Signs in PUDs containing commercial or industrial-type uses only shall abide by Section 20.04 B.2. of this Article
  - c. Signs in PUDs containing mixed uses shall abide by the provisions in this section that most closely resemble the use.

### **Section 20.05. Temporary Signage**

- A. Residential Areas. In addition to the other signs identified in subsection 20.04.B.1., temporary non-commercial signage may be posted on any lot in a residential district at any given time. Temporary signage shall adhere to the following;
  - 1. Any such signs shall be removed within 48 hours of no longer serving a purpose.
  - 2. Sign area for lots of five acres or less – 20 square feet maximum, which may be divided into a maximum of five signs, provided that no single sign may exceed eight square feet in area.

3. Sign area for lots exceeding five acres – 32 square feet maximum, which may be contained on one sign or multiple signs.
4. Sign height for all lots – 6 feet maximum for freestanding signs.
5. Illumination of temporary signage is prohibited.
6. Temporary signs shall meet the setback and placement guidelines located in Section 20.02.C.

B. Commercial Areas. Temporary signs shall be limited to 2 per lot at any given time. Temporary signage shall adhere to the following:

1. Portable signs are prohibited.
2. Any such signs shall be removed within 48 hours of no longer serving a purpose.
3. Sign area – 32 square feet sign maximum, which may be divided by a maximum of two sign faces.
4. Sign height – 6 feet maximum for freestanding signs.
5. Illumination of temporary signage is prohibited.
6. Temporary signs shall meet the setback and placement guidelines located in Section 20.02.C.

C. Directional Signs. Temporary Directional Signs are allowed in all zoning districts under the following criteria:

1. Temporary directional signs shall not exceed 2 square feet in size and shall be posted no higher than 3 feet from ground level.
2. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per event. Signs shall be placed no farther than 2 road miles from the event for which directions are given. No more than 2 temporary directional signs advertising the same event may be on one lot.
3. Up to 4 directional signs are allowed per intersection. Each event is allowed only 1 sign per intersection. If the number of signs at an intersection exceeds 4, all directional signs may be removed by a Zoning Enforcement Officer.
4. Temporary directional signs shall meet the setback and placement guidelines located in Section 20.02.C.
5. Signs must be removed within 48 hours after the event is completed.

## **Section 20.06. Permitting Procedure**

A. Permit Required

Unless specifically allowed by Section 20.04 A., no sign shall be erected, altered, or relocated after the effective date of this resolution until a sign permit has been secured. The permit process is intended to review compliance with height, dimensional, construction and other similar provisions of this resolution. It is not intended to review the content of the message to be displayed.

## B. Application

Applications for sign permits shall contain the following information:

1. Application Form – Prior to obtaining a sign permit from the Rutherford County Building Codes Department, an applicant shall obtain a signage compliance form from the Planning Department. The application shall contain the following information:
  - Name, address, phone, and if available, fax and e-mail of the property owner;
  - Name, address, phone, and if available, fax and e-mail of sign contractor/applicant;
  - Address of the property where sign will be located;
  - Identification of the type of sign (wall, ground, etc.);
  - Name of the business to which the sign belongs;
  - Description of sign plans and specifications. The method of construction and/or attachment to a building, or in the ground, shall be explained in the plans and specifications.
  - The zoning district in which the sign is to be placed;
  - A notice stating: “Any change in the information in this application shall be submitted to the department within 7 days after the change.” Unapproved changes shall result in the signage compliance form being void.
  - Any other information deemed necessary to determine compliance with these sign regulations.
2. Scaled site plan showing location of the sign on the site with setbacks accurately dimensioned. The site plan should also show the location of all existing buildings, roads, parking areas, signs, and entrances/exits on the site.
3. Two copies of a scaled schematic of the proposed sign showing:
  - Height of the finished sign above finished grade;
  - Surface of the sign (material, color and dimensions);
  - Dimensions and display area of the proposed sign;
  - Any proposed illumination;
  - Additional information as deemed necessary to ensure compliance with these regulations.

## C. Review Procedures

1. Applications for sign permits shall be reviewed for compliance with the resolution by the Planning and Building Codes staff. Applications will be considered incomplete if they lack any of the information listed in Section 20.06 B. and will not be reviewed. After acceptance of a complete application, the Planning staff shall inform the applicant within 14 days whether the application is either approved or denied.
2. Reasons for denial shall be made in writing to the applicant.

3. Approved applications shall receive a sign permit from the Building and Codes Department.

D. Permit fees

Permit fees for signs shall be established by resolution by the Rutherford County Board of Commissioners.

E. Inspections required

The Building Codes Department shall require all ground signs to have a location inspection prior to issuance of a building permit to assure location and setback compliance.

F. Permit Expiration

1. Sign permits shall become null and void 6 months from the original date of issuance if the work authorized under the permit has not been commenced by that time.
2. Sign permits for projects that have been commenced but not completed and which no work has been done for over 6 months will also become null and void.
3. Sign permits which have become null and void will need to follow the application procedures in this Section for reapproval.

## **Section 20.07. Enforcement and Appeals**

A. Enforcement

Consistent with Article XXII of this Resolution, these sign regulations shall be administered and enforced by the Building Commissioner, who shall have the power to make inspections of buildings and premises necessary to carry out his or her duties in the enforcement of these regulations.

B. Violations and Penalty

Consistent with Article XXII of this Resolution, any person, firm, or corporation violating any of the provisions of this Resolution shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$50.00. Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this Resolution, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense.

### C. Appeals

Any person aggrieved by the decision of the Planning Director or his/her designee, Building Official, or any County officer in relation to enforcement of these sign regulations may appeal to the Rutherford County Board of Zoning Appeals as provided for in Article X of this Resolution. All applications and processing of appeals shall be in accordance with the Rules of the Board and with applicable county and state law.

### D. Variances

Any person may petition the County for a variance to these regulations. In addition to the procedures for variance petitions contained in Article VIII of this Resolution, the Board shall consider the following when reviewing those requests relating to signs:

1. A variance to sign regulations may be approved where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs allowed on other parcels of land in the same district. The modification of the standards established in this ordinance shall not be granted to relieve a self created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not allowed by this ordinance to other parcels of land in that district.
2. A hardship is intended to include a change in elevation or curve in a roadway which obstructs visibility.
3. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is allowed.
4. In order to make a finding of hardship and to grant a variance, the Board shall find:
  - a. The requested variance does not eliminate any requirement of this ordinance and does not allow any prohibited signs,
  - b. That the special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property, or a self induced hardship,
  - c. The hardship is peculiar to the property of the applicant and the variance is necessary because of special circumstances relating to the

size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in the vicinity and zone in which the subject property is located. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

- d. That the literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship because of the unique or unusual conditions pertaining to the specific building, parcel, or subject property,
  - e. That the variance is not granted for the convenience of the applicant, or for the convenience of regional or national businesses which wish to use a standard sign,
  - f. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.
5. A variance is only for the particular sign for which it was granted and any attempt to change the sign terminates the variance. A change or alteration of a sign requires a new permit, without considering any prior variance or previous ordinance. If a sign face is removed from a non-conforming sign, then all appurtenant hardware, including the sign cabinet/case associated with that face shall also be removed.

#### **Section 20.08. Severability**

If any of the provisions of this Section 20 of the Resolution or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect the other portions of this Section of the Resolution. To that end, the provisions of Section 20 are declared to be severable. In addition, it is the intention that Section 20 of the Resolution be construed in conformity with the then applicable constitutional provisions related to sign regulations. Any provision within this Section 20 that does not conform to the then applicable constitutional principles, shall nonetheless be applied by any court, to the fullest extent possible, consistent with constitutional principles.